

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative McKissack**

A Bill

HOUSE BILL 1450

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT THE INTERCEPTION AND RECORDING OF A
9 WIRE, ORAL OR TELEPHONIC COMMUNICATION AND TO PROHIBIT THE
10 POSSESSION OF SUCH A RECORDING; AND FOR OTHER PURPOSES."

Subtitle

13 "TO PROHIBIT THE INTERCEPTION AND RECORDING OF A WIRE,
14 ORAL OR TELEPHONIC COMMUNICATION."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. It shall be unlawful for a person to intercept a wire, oral,
19 or telephonic communication, *defined as communications that utilized the*
20 *electromagnetic spectrum frequencies of 46 to 49 megahertz, generally used by*
21 *cordless phone technology, and 840 to 880 megahertz, generally used by*
22 *cellular phone technology, and to record or possess a recording of such*
23 *communication unless such a person is a party to the communication or one of*
24 *the parties to the communication has given prior consent to such interception*
25 *and recording.*

27 SECTION 2. (a) *It shall not be unlawful for such an act to be*
28 *committed by a person acting under the color of law.*

29 (b) *It is an exception to the application of Section 1 that an officer,*
30 *employee, or agent of a telephone public utility provides information,*
31 *facilities, or technical assistance to a person acting under the color of law*
32 *to intercept a wire, oral, or telephonic communication.*

34 SECTION 3. *It shall not be unlawful under this act for an operator of a*
35 *switchboard, or an officer, employee, or agent of any telephone public*

1 utility, whose facilities are used in the transmission of a wire
2 communication, to intercept, disclose, or use that communication in the normal
3 course of his employment while engaged in any activity which is a necessary
4 incident to the rendition of his service or to the protection of the rights or
5 property of the telephone public utility of such communication.

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7 SECTION 4. The provisions of this act do not apply to telecommunication
8 services offered by telephone public utilities.

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10 SECTION 5. Any violation of this act shall be a Class A misdemeanor.

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12 SECTION 6. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 7. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 8. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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/s/Jimmie D. McKissack

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